

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILLIAM SHROPSHIRE,

Petitioner,

vs.

ISIDRO BACA, et al.,

Respondents.

Case No. 3:14-cv-00118-HDM-VPC

**ORDER**

Before the court are petitioner's motion for appointment of counsel (#15), respondents' opposition (#17). The original motion for appointment of counsel (#9) was a photocopied form in which petitioner gave no specific reason why the court should appoint him counsel. Petitioner has attached to the renewed motion documents indicating that he has cataracts in his eyes and mental-health difficulties. Under the circumstances, the court will appoint counsel to represent him, and the court will give counsel the opportunity to file an amended petition, if desired. The court directs counsel to the court's order of August 20, 2014 (#7). It appears that the statute of limitations ran several years before petitioner commenced this action.

Respondents have filed a motion to dismiss (#18). The court will deny the motion as moot because it is appointing counsel. Respondents may renew their arguments in a subsequent motion to dismiss.

Petitioner has filed a motion to extend the time to reply to respondents' opposition (#20). This motion is moot because the court is granting his motion for appointment of counsel.

1 IT IS THEREFORE ORDERED that petitioner's motion for appointment of counsel (#15) is  
2 **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.


3 IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days  
4 from the date that this order is entered to undertake direct representation of petitioner or to indicate  
5 to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender  
6 does undertake representation of petitioner, he shall then have sixty (60) days to file an amended  
7 petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner,  
8 then the court shall appoint alternate counsel.

9 IT IS FURTHER ORDERED that neither the foregoing deadline nor any extension thereof  
10 signifies or will signify any implied finding of a basis for tolling during the time period established.

11 IT IS FURTHER ORDERED that respondents' motion to dismiss (#18) is **DENIED** as  
12 moot.

13 IT IS FURTHER ORDERED that motion to extend the time to reply to respondents'  
14 opposition (#20) is **DENIED** as moot.

15 DATED: November 17, 2014.

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HOWARD D. MCKIBBEN  
United States District Judge